

10-17-07

J FW *DAC*
PATENT

Docket No.: 5218-39B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Anagnostou et al.

Serial No.: 09/525,797

Filed: March 15, 2000

For: *METHOD OF TREATING ENDOTHELIAL INJURY*

Confirmation No. 9917

Group Art Unit: 1642

Examiner: Susan Ungar

October 16, 2007

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REMARKS ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION**

Sir/Madam:

These remarks are being submitted concurrently with the filing of a Request for Continued Examination ("RCE"), an Information Disclosure Statement ("IDS") and a Petition to Withdraw from Issue ("Petition").

Applicants have submitted the Petition to permit consideration of the IDS and accompanying documents. The accompanying documents are those that have been filed in an Opposition Proceeding in the European Patent Office (EPO) for corresponding European Patent No. 0933995 (European Patent Application No. 97940974.5). Applicants note that some of the references submitted with the IDS have been previously considered by the Examiner and are re-submitted in order to complete the record of documents as submitted in the EPO proceeding. More specifically, the citations listed on the IDS as D3, D6, D8, and D9 were previously submitted on an IDS dated January 21, 2002; citations D4, D5, D7 and D10 were previously submitted on an IDS dated October 31, 2005; and citations D12 and D13 were previously submitted on an IDS dated November 29, 2006.

Applicants respectfully request consideration of these documents, and Applicants respectfully submit that the pending claims are patentable over the currently submitted documents at least in view of the reasons previously made of record and further in view of previously considered references.

10/17/2007 RFEKADUI 00000029 500220 09525797
01 FC:1464 130.00 DA
Adjustment date: 10/18/2007 TLWU11
10/17/2007 RFEKADUI 00000029 500220 09525797
01 FC:1464 130.00 CR

Attorney Docket No.: 9099.2DV
Application Serial No.: 10/078,310
Filed: February 18, 2002
Page 2 of 2

Accordingly, Applicants submit that the present application is in condition for allowance and the same is respectfully requested. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,



Shawna Cannon Lemon
Registration No. 53,888

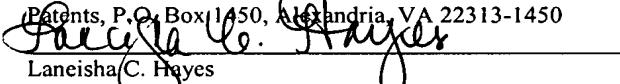
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV 887522279 US

Date of Deposit: October 16, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Laneisha C. Hayes